United Nations S/2016/885

Security Council

Distr.: General
21 October 2016
Original: English

Twelfth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013), covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report, dated 29 June 2016 (S/2016/590).

2. On 29 July, the Security Council issued a press statement in which it welcomed the strong bilateral relations between Iraq and Kuwait and commended the Government of Kuwait on its continued support for Iraq in its efforts to achieve stability. The Council also recognized that important steps had been taken recently to reinvigorate efforts on the issue of missing Kuwaiti and third-country nationals and missing Kuwaiti property, and commended the Government of Iraq on its momentum, energy and positive engagement. While recognizing the considerable challenges faced by Iraq, the Council called upon the Government to continue its efforts to achieve tangible progress with respect to returning all missing Kuwaiti and third-country nationals or their remains, in addition to returning Kuwaiti property, including the national archives.

3. On 26 September, in carrying out his responsibilities pursuant to Security Council resolution 2107 (2013), my Deputy Special Representative for Iraq for Political Affairs met the Undersecretary for Legal Affairs and Multilateral Relations of the Ministry of Foreign Affairs of Iraq, Omar Barzanji, who reiterated the good will and commitment of Iraq in fulfilling all outstanding obligations towards Kuwait and highlighted the efforts continuously exerted by the Ministry of Foreign Affairs to implement the resolution. Mr. Barzanji stated that a number of staff members who had previously worked on the file at the abolished Ministry of Human Rights of Iraq had been absorbed by the Ministry of Foreign Affairs in order to retain institutional memory and ensure the continuity of the process.

4. On 3 October, my Special Representative for Iraq met the newly appointed Ambassador of Kuwait to Iraq, Salem Ghassab Mohammed al-Zamanan. Emphasizing the significance to Kuwait of the file concerning missing Kuwaiti persons and property, Mr. Al-Zamanan underlined the need to exert more effort in order to bring the matter to a close.

16-18166 (E) 251016
1618166

Please recycle

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

5. During the reporting period, the Ministry of Defence of Iraq continued to follow up with witnesses in order to obtain more detailed information in support of the identification of potential burial sites, as well as with its own departments in order to cross-check the information. Particular efforts were exerted with respect to the Jahra' and naval base sites in Kuwait and the Radwaniyah site in Baghdad governorate to reconfirm initial witness testimony, look for additional sources of information and acquire more precise descriptions of the locations.

6. On 3 July, a field trip was conducted in the presence of a witness by the technical team of the Ministry of Defence of Iraq to the Salman Pak site in Baghdad governorate in an effort to identify a possible burial site. While the burial site could not be located during the visit, the Ministry continued to look for additional information to narrow down the location and had reached out to the Ministry of Municipalities and Public Works of Iraq to provide support.

7. From 3 July to 3 September, the Ministry of Foreign Affairs of Iraq, in coordination with the Office of the Prime Minister of Iraq, issued broadcasts on a satellite television channel calling upon all those with information pertaining to missing Kuwaiti persons to come forward. The Ministries of Defence and Foreign Affairs worked together to verify information that had been provided by Iraqi citizens, both inside and outside Iraq, as a result of the public information campaign.

8. On 12 and 13 July, the technical team of the Ministry of Defence of Iraq undertook a field visit to the Karbala' site in the presence of a witness to identify coordinates for future field work. To date, 10 coordinates have been identified. Excavation work at the site took place from 14 to 18 July, during which 120 trenches were dug; however, no grave sites or human remains were found.

9. On 13 July, in Erbil, Iraq, a delegation of the Ministry of Defence of Iraq met authorities from the Kurdistan Regional Government, including from the Ministry of Martyrs and Anfal Affairs, to coordinate efforts to reach out to a witness who might have possessed information pertaining to a potential burial site in Sulaymaniyah governorate, as well as to arrange an exploratory mission to the site. The Ministry of Defence and the Kurdistan Regional Government held follow-up meetings on 20 July and on 21 and 22 September, with additional participation from the Consulate of Kuwait in Erbil and the International Committee of the Red Cross (ICRC). The parties agreed to visit the site in the presence of a witness once all necessary authorizations had been obtained from the authorities concerned.

10. On 20 July, in Kuwait, representatives of the United Nations Assistance Mission for Iraq (UNAMI) attended the ninety-fifth session of the Technical Subcommittee of the tripartite mechanism in an observer capacity. The members of the tripartite mechanism recognized the renewed commitment of Iraq towards achieving tangible results. The Kuwaiti delegation welcomed the constant efforts exerted by the Ministry of Defence of Iraq since taking over the missing persons file, especially in finding new witnesses. Kuwait underlined the importance of continuing with the call for witnesses and announcements on satellite networks to

reach a wider audience following an increased inflow of information from Iraqi citizens after a television announcement that had been broadcast in Iraq.

11. The members of the tripartite mechanism also reaffirmed the importance of the ongoing efforts relating to the Khamisiyah site. Mechanism members also reiterated their commitment to continuing to work on the site, including by conducting excavations and field visits, in parallel with reaching out to witnesses to more precisely identify the location of the potential burial site. The ICRC delegation stated that the report of the visit to the site on 13 May was being finalized and would be shared soon. The outcome of the visit would provide greater clarity on the process and feed into the in-depth scientific review of all information and past efforts. Both the Iraqi and Kuwaiti delegations reiterated their previous requests to acquire satellite imagery of the site from the Allied Coalition Forces of the 1990-1991 Gulf War.

12. In its press statement of 29 July, the Security Council encouraged Iraq and Kuwait to collaborate closely through the tripartite mechanism to achieve further concrete results, while expressing strong support for the perseverance of the members of the mechanism and its Chair, ICRC, in their efforts to locate the remains of the missing Kuwaiti and third-country nationals. The Council noted the limited progress that had been made recently on the issue and expressed regret that no cases of missing Kuwaiti persons had been solved and that no human remains had been exhumed over the past 11 years. Acknowledging the commitment of the Ministry of Defence of Iraq to the file, the Council welcomed the adoption of a plan of action by Iraq in 2016 that took into account recommendations made by Kuwait.

13. From 9 to 31 August, the ICRC researcher working on the in-depth scientific review visited Baghdad to continue to review the relevant ICRC archives. The scientific review had been agreed to during the forty-first meeting of the Tripartite Commission.

14. From 20 to 25 August, the Ministry of Defence of Iraq conducted excavation missions to the Karbala' site in the presence of a witness. The findings proved inconclusive. From 23 to 25 August, an excavation mission of the naval base site in Kuwait was conducted by the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs. No human remains were found. After the excavation, the Ministry reached out to the witness in question to gather more detailed information.

15. On 18 September, a public call for witnesses was broadcast by the spokesperson of the Ministry of Defence of Iraq on Iraqi radio and television channels, including satellite television channels. The announcement provided additional information, including on the transfer of the file concerning missing Kuwaiti persons to the Ministry of Defence, and emphasized the commitment of the Ministry to finalizing the file. The Ministry was analysing the large number of calls received following the broadcast.

16. On 26 September, my Deputy Special Representative for Iraq for Political Affairs met the Deputy of the General Legal Adviser and head of the Technical Committee in charge of the file concerning missing Kuwaiti persons at the Ministry of Defence of Iraq, Brigadier General Hazem Qassem Majid, who said that, despite financial difficulties and other military priorities, the Ministry was pushing forward in reaching new witnesses, corroborating their statements and undertaking field

visits in an effort to achieve concrete and solid results. He underscored the importance of that humanitarian file and the support that had been provided by the highest levels of the Government of Iraq.

17. On 28 September, in Kuwait, UNAMI representatives attended the ninety-sixth session of the Technical Subcommittee of the tripartite mechanism in an observer capacity. The session was productive and mechanism members welcomed the positive dynamic as well as the activities that had been undertaken by the Government of Iraq during the reporting period. The Iraqi delegation renewed its commitment to the file and reassured the Kuwaiti delegation of its continued work and efforts despite the prevailing challenges in Iraq.

18. As a follow-up to the ninety-fifth session, the ICRC delegation stated that it had provided an exhaustive description of the field visit undertaken in May to the Khamisiyah site to the Iraqi and Kuwaiti delegations, together with a recommendation on how to incorporate satellite imagery and geographical analysis into the field observations. During the reporting period, ICRC had procured three satellite images of the Khamisiyah site, which were being analysed. The findings would be shared with the mechanism members during the next reporting period. The Iraqi and Kuwaiti delegations welcomed that step, in particular because it would help in re-evaluating the excavated areas and the areas to be excavated. The Iraqi delegation stated that its Ministry of Defence, in the meantime, would continue to reach out to a relevant witness in an effort to obtain more information and pinpoint the location of the possible burial site. The mechanism members agreed that all tracks, including field missions, analysis of the satellite imagery and contact with the witness, should be pursued in parallel with the work of the Iraqi delegation and committed themselves to resuming excavation missions based on the outcome of the satellite imagery analysis.

III. Recent activities with regard to the return of Kuwaiti property

19. In its press statement of 29 July, the Security Council also encouraged the Governments of Iraq and Kuwait to convene the Joint Property Committee every six months as agreed.

20. The call for witnesses over a two-month period that had been issued by the Ministry of Foreign Affairs of Iraq, in coordination with the Office of the Prime Minister, also encouraged all those with information pertaining to Kuwaiti property to come forward.

21. On 26 September, during the meeting with my Deputy Special Representative, Mr. Barzanji stated that, following the broadcast, the Ministry of Foreign Affairs of Iraq had received a large number of calls from citizens claiming to know the location of Kuwaiti books and artefacts. The Ministries of Foreign Affairs and Defence were working together to verify the information and follow up on viable leads. My Deputy Special Representative welcomed the initiative and urged the Ministry of Foreign Affairs to follow every lead to ensure that the process moved forward.

IV. Observations

22. I commend the goodwill that continues to prevail between Iraq and Kuwait, including on the Kuwaiti missing persons and property file. This constructive and positive atmosphere forms a strong foundation for the expansion of friendship, solidarity and closer ties. The Government of Kuwait has continuously shown support and understanding towards the challenges faced by the Government of Iraq. I express gratitude to the Government of Kuwait for its patience and encouragement towards the efforts of the Government of Iraq over the years.

23. The transition of the missing persons file to the Ministry of Defence of Iraq has invigorated the activities of the Government, and shows its perseverance in moving forward despite the economic, political and security challenges in the country. I commend the Government's willingness to accept recommendations and proposals from the tripartite mechanism members and to put them into action. Encouraged by the positive collaboration between the relevant Iraqi authorities and members of the mechanism, I urge the Government to continue to use that momentum to reach tangible results.

24. I am saddened that the families of those unaccounted for are still waiting to learn the fate of their loved ones. Moving forward with the work on this file requires the adoption of a multidimensional and innovative approach that encompasses reaching out to witnesses, finding new ones, reviewing the information gathered over the past years, undertaking field work and employing new and innovative technology. That type of comprehensive and holistic strategy has the potential to reinvigorate the search and yield positive results. With that in mind, I should like once again to praise the exceptional commitment and perseverance of the tripartite mechanism members and the leadership of ICRC for the guidance, ideas and recommendations aimed at locating and recovering the remains of the missing Kuwaiti persons, all while never allowing the process to falter.

25. On the issue of the missing Kuwaiti property, I take note of the efforts of the Government of Iraq to achieve concrete results, including by broadcasting announcements on satellite television channels. I urge the Government to employ inventive and creative ways to find information, in particular with regard to the invaluable Kuwaiti national archives.

26. I reiterate the determination of UNAMI, my Special Representative and my Deputy Special Representative for Political Affairs to promote, support and facilitate the efforts of the Government of Iraq on the missing Kuwaiti persons and property file. UNAMI is committed to continuing to play a constructive and supportive role in the tripartite mechanism.